

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

VETH MAM,
Plaintiff,
vs.

CASE NO. 8:11-CV-01242-JST
(MLGx)

JUDGMENT

CITY OF FULLERTON, MICHAEL
SELLERS, Chief of Police individually
and as a peace officer, KENTON
HAMPTON #1337, individually and as
a peace officer, FRANK NGUYEN
#1307, individually and as a peace
officer, JONATHAN W. MILLER
#1350, individually and as a peace
officer, DANIEL SOLORIO #1086,
DOE REYNOSO #UNKNOWN, DOES
1-10,

Defendants.

On March 12, 2013, pursuant to this Court's Minute Order granting, in part, Defendant Kenton Hampton's Rule 56 Motion this Court granted judgment in favor of Kenton Hampton on plaintiff Veth Mam's claim of false arrest under the Fourth Amendment, conspiracy to violate civil rights, and malicious prosecution pursuant to 42 U.S.C. §1983;

1 On March 13, 2013, pursuant to this Court's Minute Order granting, in part,
 2 Defendants City of Fullerton, Michael Sellers, Frank Nguyen, Jonathan Miller,
 3 Daniel Solorio and Ricardo Reynoso's Rule 56 Motion this Court granted judgment
 4 in favor of Frank Nguyen, Jonathan Miller, Daniel Solorio and Ricardo Reynoso on
 5 plaintiff Veth Mam's claim of false arrest and excessive force under the Fourth
 6 Amendment pursuant to 42 U.S.C. §1983;

7 On March 13, 2013, pursuant to this Court's Minute Order granting, in part,
 8 Defendants City of Fullerton, Michael Sellers, Frank Nguyen, Jonathan Miller,
 9 Daniel Solorio and Ricardo Reynoso's Rule 56 Motion this Court granted judgment
 10 in favor of Daniel Solorio and Ricardo Reynoso on plaintiff Veth Mam's claim of
 11 malicious prosecution under the Fourth Amendment pursuant to 42 U.S.C. §1983;

12 On March 13, 2013, pursuant to this Court's Minute Order granting, in part,
 13 Defendants City of Fullerton, Michael Sellers, Frank Nguyen, Jonathan Miller,
 14 Daniel Solorio and Ricardo Reynoso's Rule 56 Motion this Court granted judgment
 15 in favor of the City of Fullerton and Michael Sellers on plaintiff Veth Mam's claim
 16 under *Monell* pursuant to 42 U.S.C. §1983.

17 Thereafter, on April 22, 2013, on Special Verdict, the jury found in favor of
 18 Defendants Frank Nguyen, Jonathan Miller, and Kenton Hampton as follows,

19 **“Question #1:**

20 Did Kenton Hampton take action against Veth Mam because Veth Mam was
 21 exercising his First Amendment right?

22 _____ YES x NO

23 **Question #2:**

24 Did Kenton Hampton use excessive force against Veth Mam?

25 _____ YES x NO

Question #3:

Did Frank Nguyen reasonably believe that Veth Mam had jumped on, attempted to choke, or similarly assaulted Jonathan Miller?

☒ YES ☐ NO

Question #4:

Did Jonathan Miller reasonably believe that someone had jumped on, attempted to choke, or similarly assault him?

☒ YES ☐ NO

Question #5:

Was Frank Nguyen and/or Jonathan Miller actively involved in causing Veth Mam to be prosecuted or in causing the continuation of the prosecution?

Frank Nguyen ☐ YES ☒ NO

Jonathan Miller ☐ YES ☒ NO

PURSUANT TO THIS COURT'S MINUTE ORDER OF MARCH 12, 2013 FINDING IN FAVOR OF KENTON HAMPTON,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Kenton Hampton shall have judgment entered in his favor on plaintiff Veth Mam's claim of false arrest under the Fourth Amendment, conspiracy to violate civil rights, and malicious prosecution pursuant to 42 U.S.C. §1983; and

PURSUANT TO THIS COURT'S MINUTE ORDER OF MARCH 13, 2013 FINDING IN FAVOR OF THE CITY OF FULLERTON, MICHAEL SELLERS, FRANK NGUYEN, JONATHAN MILLER, DANIEL SOLORIO, RICARDO REYNOSO,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants Frank Nguyen, Jonathan Miller, Daniel Solorio, and Ricardo Reynoso, shall have judgment entered in their favor on plaintiff Veth Mam's claim of false arrest and excessive force pursuant to 42 U.S.C. §1983; and

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants
2 Daniel Solorio and Ricardo Reynoso shall have judgment entered in their favor on
3 plaintiff Veth Mam's claim of malicious prosecution pursuant to 42 U.S.C. §1983;
4 and

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants
6 the City of Fullerton and Michael Sellers shall have judgment entered in their favor
7 on plaintiff Veth Mam's claim under *Monell* pursuant to 42 U.S.C. §1983; and

8 **PURSUANT TO THE JURY'S VERDICT OF APRIL 22, 2013**
9 **FINDING IN FAVOR OF DEFENDANTS FRANK NGUYEN, JONATHAN**
10 **MILLER, AND KENTON HAMPTON,**

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant
12 Frank Nguyen and Jonathan Miller shall have judgment entered in their favor on
13 plaintiff Veth Mam's claim of malicious prosecution pursuant to 42 U.S.C. §1983;
14 and

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant
16 Kenton Hampton shall have judgment entered in his favor on plaintiff Veth Mam's
17 claim of Violation of Veth Mam's rights under the First Amendment pursuant to 42
18 U.S.C. §1983 and plaintiff's claim of excessive force under the Fourth Amendment
19 pursuant to 42 U.S.C. §1983; and

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Veth Mam
21 take nothing and defendants City of Fullerton, Michael Sellers, Frank Nguyen,
22 Jonathan Miller, Daniel Solorio, Ricardo Reynoso and Kenton Hampton shall
23 recover costs of suit.

24
25 DATED: May 07, 2013



26 UNITED STATES DISTRICT JUDGE
27
28